



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,567	07/30/2001	John J. Dooley	21790-08920	4960

758 7590 11/06/2009
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER

REFAI, RAMSEY

ART UNIT	PAPER NUMBER
----------	--------------

3627

MAIL DATE	DELIVERY MODE
-----------	---------------

11/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/919,567	Applicant(s) DOOLEY ET AL.	
	Examiner Ramsey Refai	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Responsive to Amendment filed July 6, 2009. Claim 24 was amended. Claims 24-46 remain pending

Response to Arguments

1. Applicant's arguments have been fully considered but they are not persuasive.

In the arguments, the Applicants argues that Thomas fails to teach a data center which is described in the Applicant's specification as a data **processing** system. The Applicant further argues that Thomas fails to teach a description document as described in the specification.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Applicant argues that Thomas fails to teach a "structure that **processes** data". The claims do not recite any features directed to *processing* any data. Additionally, the Applicant has failed to distinguish how the prior art fails to teach a "description document" as described in the Applicant's specification. The Applicant has merely made general statements that Thomas fails to teach a description document "*as defined in the specification*". The Applicant is reminded that the metes and bounds of a claimed invention are measured by the language of the claims. It is suggested that the Applicant amend the claims to clarify the claimed invention rather than reading limitations from the specification into the claims.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 24-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Thomas (US 7,366,522).

3. As per claim 24, Thomas teaches a system in a supply chain network, the system comprising:

one or more site data appliances (**mobile units**) comprising one or more types of data source equipment (**see at least col. 4, ll. 4-24; sensors**), the one or more site data appliances a protocol to collect specification information, including event information, from the one or more types of data source equipment (**see at least col. 2, ll. 58-col. 3, ll. 10; mobile units communicate information through Internet**), the specification information forming a Description Document (**see at least col. 7, ll. 15-20**);

one or more site servers (**location monitoring server**) coupled to one or more site data appliances that gather the specification information forming the Description Document from the one or more site data appliances (**see at least fig 1, col. 3, ll. 60-col. 4, ll. 9**); and

a data center (**location database**) coupled to the one or more site servers (**fig 1**) that automatically generates a mapping table based on the Description Document, which maps the

Art Unit: 3627

event information of the one or more site data appliances to event handlers **(see at least figs 5A-5B)**, for execution in response to an event **(intended use language)**.

4. As per claim 25, Thomas teaches wherein the data center sends the mapping of the event information to the one or more site servers **(see at least fig 1, col. 3, ll. 60-col. 4, ll. 9)**.

5. As per claim 26, Thomas teaches wherein the Description Document is formed using extensible markup language (XML) **(see at least col. 7, ll. 15-20)**.

6. As per claim 27, Thomas teaches further comprising a portable device coupled with the one or more site servers to access an instance of the Description Document **(see at least col. 6, ll. 27-37)**.

7. As per claim 28, Thomas teaches wherein the specification information further comprises method and property information **(location information)**.

8. As per claim 29, Thomas teaches wherein a dotted notation is used to identify the event, method and property information **(XML uses dot notation)**.

9. As per claim 30, Thomas fails to teach wherein communications between the one or more types of data source equipment, the one or more site data appliances and the one or more site servers utilize the Universal Data Appliance Protocol (UDAP) **(see col. 7, ll. 15-20)**.

Art Unit: 3627

10. As per claims 31-46, these claims contain similar limitations as claims 24-30 above and therefore are rejected under the same rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 9:00 am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ramsey Refai

November 5, 2009

/Ramsey Refai/

Primary Examiner, Art Unit 3627